

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL DEWAYNE WHALEY,)
)
)
)
)
v.)
)
COURT OF CRIMINAL APPEALS, et al,)
)
)
)
) Civil Action No. 3:18-CV-144-C (BH)

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge advising that Petitioner's case should be reopened and the petition should be transferred to the United States Court of Appeals for the Fifth Circuit as successive. Plaintiff has failed to file any objections and the time to do so has now expired.

The Court has reviewed the Findings, Conclusions, and Recommendation for clear error and finds none. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, the above-styled and -numbered civil action is **REOPENED** and is hereby **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit as successive..

SO ORDERED this 20th day of November, 2018.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE